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SANCTIONS FOR POLITICAL REFORM
-A 'guidance paper' for a round table discussion on Nigeria-

May 1998

Margaret Doxey

125 promenade Sussex Drive, Ottawa, Ontario K1A 0G2
Telephone/Téléphone : **613 944 8278** Fax/Télécopieur : **613 944 0687**
www.cfp-pec.gc.ca

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Sanctions for Political Reform: Guidance Paper for Nigerian Roundtable
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Trent University

The document considers the possibility of sanctions as a policy option in light of the continuing situation in Nigeria which features continued violations of human rights and slim prospects for an orderly transition to civilian rule. It reviews the objectives of sanctions, their various types (military, cultural and economic), the institutional frameworks available for sponsorship (the UN, the Commonwealth, La Francophonie), the motivations of sender states, the impact on the targetted state and prospects for the future. More specifically, the document concludes that for any sanctions against Nigeria to have maximum effect, the sanctioning group would have to include the US, the EU, and Japan. Future prospects concern the need to generate political will to bring threatened Commonwealth sanctions into effect, attention to other sources of pressure, such as the US and the EU, need for a UN Security Council resolution.

Recommended sanctions against Nigeria:

- financial assets freeze on the government and military rulers;
- suspension of air links and landing rights;
- a ban on new investments and/or bank loans and services to Nigeria;
- a ban on exports of oil-refining equipment, parts and services;
- the embargo or voluntary cessation of oil imports from Nigeria.

SANCTIONS FOR POLITICAL REFORM

A 'GUIDANCE PAPER' FOR A ROUND TABLE DISCUSSION ON NIGERIA

Prepared for the Department of Foreign Affairs &
International Trade

by

MARGARET DOXEY
(Professor Emeritus and Senior Research Associate,
Department of Political Studies, Trent University)

May 1998

INTRODUCTION

The background to this short paper is the current situation in Nigeria where the military regime of General Sani Abacha continues to violate human rights and democratic norms. Despite widespread criticism of the regime's behaviour, and specific sanctions - most notably suspension from the Commonwealth in October 1995 - little progress has been achieved and prospects for an orderly transition to civilian rule by 1 October 1998, as promised by the Abacha regime, seem slight. The recent legislative elections were boycotted by the opposition and all five government-approved parties have selected Abacha as their candidate for the presidency which raises the possibility of a referendum in August instead of the promised Presidential election. None of this encourages hopes for genuine democratization. Political leaders of the stature of Mashood Abiola (the apparent winner in the June 1993 elections cancelled by Abacha's predecesor General Babangida) and former President Olusegan Obasanjo (who co-chaired the Commonwealth Group of Eminent Persons which visited South Africa in 1985) remain in prison without trial. They are reportedly held under harsh conditions and Commonwealth observers have not been allowed to visit them. On the other hand, the pressure for change from the international community has lessened over the past two years, and Nigeria's prominent role in the ECOWAS-sponsored operation to restore the democratically elected president of Sierra Leone probably srengthened its position.

Recent events in Nigeria have brought consideration of further international sanctions to the fore but decisions need to be taken in the light of lessons learned about sanctioning particularly over the past decade. This paper looks at a number of relevant issues prompted by the terms of reference (set out in Appendix 1):

1. Objectives
2. Types of sanction
3. Institutional frameworks available for sponsorship
4. Motivations of sender states
5. Impact on the target
6. Prospects for the future

It should be emphasized that because of time constraints the paper seeks only to highlight important issues and does not explore them in any depth.

1. OBJECTIVES

Sanctions are negative, usually non-violent measures, intended to have a deprivational effect and thus bring about political change in the target entity. When correctly used, they

address failures to live up to internationally accepted norms and standards of behaviour. They were conceived as a means of checking external aggression, but it has long been accepted that sanctions can address other security issues (e.g. civil war and terrorism) as well as the need for internal reform of systems which oppose or suppress the exercise of democratic freedoms and/or commit gross violations of human rights. Sanctions imposed mainly to satisfy domestic pressure groups do not feature in this paper, except to note that if that happens, the measure(s) chosen should certainly be of the mildest nature. Even mild sanctions are unfriendly measures; more severe penalties will be perceived as hostile, and their attendant costs and possible consequences need careful assessment. Nor should sanctions be seen as a panacea; they have a mixed record of 'success' and are best viewed as useful means of pressure which will contribute to desired change in the target state.

Cases of sanctions adopted under UN auspices since 1990 reflect a variety of situations which the Security Council deemed to constitute breaches of or threats to the peace: external aggression and internal repression (Iraq), internal conflict (Yugoslavia, Somalia, Liberia, Angola (UNITA), Rwanda); hostile intervention (Serbia-Montenegro); support for terrorism (Libya, Sudan), suppression of democracy (Haiti, Sierra Leone). Although UN sanctions have not been imposed against Nigeria or Burma where military regimes have suppressed democracy, western governments have adopted measures individually or collectively to address the situation in both these countries.

It is now accepted that in all cases of sanctions, their purpose(s) should be clearly understood and publicized. Nigeria presents no difficulties in this respect. It is comparable with Haiti and Siera Leone where democratically-elected governments were overthrown by military coups. The Abacha regime is also guilty of human rights violations: summary executions, imprisonment without trial of respected political leaders, and the suppression of civil rights and democratic freedoms. As described below, the execution of minority rights activists in November 1995 prompted Commonwealth and other sanctions: the United States tightened existing restrictions on travel, aid and cultural exchanges, while European Union (EU) members suspended development assistance and extended restrictions on arms sales. The object of these measures was in accord with accepted norms of international behaviour and the Abacha regime recognized this by promising an orderly restoration of democratic rule by October 1998.

2. TYPES OF SANCTION

Military measures are the severest form of sanction, but they are rarely used and there is no question of military

intervention in Nigeria, the most populous country in Africa and a regional giant despite its parlous economic state and heavy external indebtedness. Sanctions aganst Nigeria must therefore be non-violent and there are a variety of options affecting goods, services, capital and people which can be used singly or in combination. (See Appendix 2 for detailed typology)

Non-violent sanctions are usually grouped under three main headings:

(a) Diplomatic and political: examples are downgrading or severing diplomatic relations, cancellling summits and other high level meetings, exclusion from international bodies.

(b) Cultural and communications: examples are banning educational links, sports and entertainment contacts and scientific exchanges; restrictions on travel, severing air links.

(c) Economic: this broad category includes trade embargoes affecting goods and services, financial measures (which include assets freezes and bans on loans and investment) and restrictions on technology transfer.

In the past, measures were directed at the target state (or occasionally at a non-state grouping such as the Khmer Rouge in (Cambodia) or UNITA (in Angola). However, there is now a distinct focus on targeted (aka 'smart') sanctions which directly penalize specific individuals or groups. These targeted measures are seen as serving two purposes:

(i) Efficacy: making an impact on the leadership and elites who are the people capable of bringing about policy changes to meet international standards;

(ii) Equity: sparing innocent and politically impotent civilian populations the hardship caused by comprehensive trade sanctions. This was not a prominent issue in the South African case because the African National Congress (ANC) supported sanctions; nor were comprehensive trade sanctions ever imposed. But the cases of Haiti and Iraq have underlined the humanitarian problems which sanctions can bring (or exacerbate) and the combined effects of media publicity, pressure from non-governmental organizations (NGOs) and public opinion have made it necessary for sender governments to go beyond the conventional exemptions for food and medicine if sanctions are to enjoy wide support in the international community. Even the permanent members of the Security Council (P5) are now on record with a statement acknowledging that 'collective actions in the context of any future sanctions regime should ... minimize unintended adverse side-effects of sanctions on the most vulnerable segments of targeted countries'. (UN Document S/1995/300, 13 April 1995).

Targeting options are discussed briefly below.

Targeted measures

Cultural and sports boycotts and restrictions on air links will impact more severely on elite groups than on the general population, while organizational membership penalties which have a national effect in denying the target state the benefits of status and, more tangibly, access to loans and grants from international bodies, will also have a personal dimension for leaders who are banned from important international meetings, Assets freezes can also be targeted against natural or corporate persons as well as applying to assets of the target government. Similarly, through visa restrictions, personal travel to sender states by political leaders, members of the target goverment and senior officials both military and civilian, can be banned. 'Blacklists' can be extended to include family members and student visas can be withdrawn. Travel restrictions of this kind have been imposed by the Security Council against UNITA in Angola, the junta in Sierra Leone, and Iraqi officials following Iraq's refusal to allow acccess to Presidential palaces by UNSCOM inspectors. An assets freeze on members of the junta in Haiti was part of the United Nations sanctions packaage.

Personally-targeted sanctions reqire designation of names: in the United States where the practice is heavily used with regard to financial assets, the term SDN - Specially Designated National - is used to designate those with whom dealings are restricted and banks are subject to severe penalties if they violate official controls.

The major difficulty in freezing government or personal assets, whether in the form of bank deposits, or other property, is to identify and locate them. False names, offshore havens and shell companies offer convenient means of concealment; delay in imposing an assets freeze allows the target to take evasive action. All these difficulties have been clearly exemplified in recent sanctions cases, with Yugoslavia (Serbia-Montenegro) a prominent example. And if financial sanctions are to work, the cooperation of major financial centres, particularly the United Kingdom and the United States, and of their private banking sectors is essential.

Sanctions, whether targeted or not, are certain to be resented by target governments and can engender defiance rather than compliance. They can also hinder a process of dialogue and negotiation. The alternative process of 'constructive' or 'critical engagement' is frequently advocated, particularly by those whose interests would be adversely affected by the imposition of economic penalties.

3. INSTITUTIONAL FRAMEWORKS

It is generally accepted that multilateral sanctions are preferable to 'going it alone'. Even the United States prefers to have allies in sanctioning operations. Multilateral support provides greater legitimacy, means more comprehensive enforcement and leaves fewer loopholes. Only the UN Security Council can impose sanctions under Chapter VII of the Charter (with a two thirds majority vote and no veto by a permanent member) which are then mandatory for all 185 UN members, but the sponsorship of other bodies can also be significant.

As a middle-rank power, Canada is not in a position to make a strong impact unilaterally - which does not preclude the possibility that principle and/or interest may sometimes dictate the use of unilateral measures - and traditionally it seeks to work with groups of like-minded states or 'coalitions of the willing'. This is facilitated by its wide range of institutional memberships which include the UN, the Commonwealth, La Francophonie, the Organization of American States(OAS), NATO and the Organization for Security and Cooperation in Europe(OSCE). Canada is also a member of the G7.

In the Nigerian case, which concerns support for international norms, one would not expect to find Canada acting alone: relevant institutional frameworks are the UN, the Commonwealth, La Francophonie and possibly the G7.

a) The UN:

Canada has co-sponsored resolutions in the UN General Assembly and at the UN Commission on Human Rights in Geneva condemning the abuse of human rights in Nigeria, but the UN Security Council does not appear to be a promising sponsor for sanctions in this case. In particular, the suppression of democracy and violations of human rights are not seen as appropriate grounds for international sanctions by China (which designated Haiti an exceptional case) and this could mean a veto. Nor have other P5 members proposed UN sanctions.

Security Council action would require vigorous support from the United States. Given current concerns about humanitarian issues and collateral damage for sender states discussed further below, it is possible that members of the Council would find targeted measures more appealing than trade sanctions.

b) The Commonwealth:

The Commonwealth, which gave leadership in the campaign for sanctions to bring an end to apartheid in South Africa is certainly a credible sponsor. It has a large African membership (recently enhanced by Cameroun and Mozambique) and its dedication to principles of democracy was enunciated in the Harare Declaration adopted by Heads of Government in 1991 and

subseqently reinforced by the Millbrook Programme of Action adopted in 1995.

In the struggle against apartheid in South Africa Canada found strong allies in the Commonwealth, although Britain remained largely on the sidelines, and at first similar support seemed forthcoming over Nigeria. At the 1995 Auckland CHOGM the Commonwealth collectively took the unprecedented step of suspending Nigeria from the association with the threat of expulsion in 1997 if the situation did not improve. This was a very serious sanction - and one deeply resented by the Nigerian regime. Heads of government also established a Commmonwealth Ministerial Action Group (CMAG) to monitor observance of the Harare principles and where violations occur, to recommend further sanctions. Members until 1997 were the Foreign Ministers of Britain, Canada, Ghana, Jamaica, Malaysia, New Zealand, Zimbabwe (Chair) and the Commonwealth Secretary-General (who is Nigerian); in 1997 Barbados and Botswana replaced Jamaica and South Africa. CMAG has no South Asian participation.

CMAG has met at regular intervals since its establishment, and has grappled with problems of The Gambia, Sierra Leone and Nigeria. In April 1996, after Nigeria refused to receive a ministerial mission, it pronounced that the human rights situation there had deteriorated and commended further sanctions: visa restrictions on the regime and members of their families, withdrawal of military attaches and military training programmes, a ban on arms exports, denial of educational facilities to members of the regime and their families; a visa-based ban on sporting contacts, the downgrading of cultural links and diplomatic missions. A ban on air links and further economic measures were to be considered in consultation with the EU and the United States, and in liaison with the Secretaries-General of the UN and the Organization of African Unity(OAU) and other executive heads.

These measures were delayed when a dialogue with Nigeria commenced in June 1996 (although Canada implemented some of them unilaterally - see Section 6 below). Subsequently an invitation was issued for a delegation from CMAG to visit Nigeria. This occured in November 1996 - without Canadian representation because Nigeria denied visas to Canadian security personnel. Nigeria has made it clear that it rejects the Commonwealth's right to monitor its conduct of internal affairs and the mission was unable to visit prisoners such as Chief Abiola. In the circumstances, its expression of appreciation for 'a warm welcome and friendly hospitality' was perhaps unnecessarily warm and friendly.

The stalemate has continued, although CMAG has received representations from Nigerian and pan-Commonwealth NGOs which emphasized the deteriorating situation in the country. The

Group's report to the 1997 Edinburgh CHOGM advocated the continuation of suspension and this was accepted. Heads of Government also empowered the Group to recommend Commonwealth-wide implementation of the following measures if they would 'encourage greater integrity of the progress of transition to democracy and respect for human rights in Nigeria': visa restrictions on regime members; an arms sales embargo; a visa-based ban on sporting contacts; the downgrading of diplomatic missions. Other measures such as a boycott of oil imports, the severance of air links and a freeze of assets, as well as expulsion from the Commonwealth were threatened if democracy had not been restored by October 1998.

c) La Francophonie

Traditionally La Francophonie (in which France and Canada are the leading members) has been a less structured grouping than the Commonwealth (although the former UN Secretary General Boutros Boutros-Ghali was named its first Secretary-General in 1996) and more culturally than politically oriented. Canada has been unsuccessful in obtaining strong censure of Nigeria at Francophone summits; in particular West African states are very wary of offending their giant neighbour.

d) G7

Canada has not, to the writer's knowledge, suggested sanctions on Nigeria at any G7 meeting, but the grouping would be an obvious source of effective economic pressure.

4. MOTIVATIONS OF SENDER STATES

Factors motivating sanctioning states are obviously closely linked with the objectives discussed in Section 1.

Assuming some sort of cost-benefit analysis is undertaken, calculations of political or other advantage from sanctions will be balanced against their costs. Political will is likely to be lacking where the anticipated costs outweigh anticipated gains and in some cases the costs of economic measures can be substantial.

In the Nigerian case it appears that the motivation to uphold democratic norms and human rights standards is not working as strongly as the motivation to oppose apartheid and racism in South Africa. Objections to the cancellation of the election result in 1993 led to some negative measures being imposed in the United States and elsewhere and revulsion at the summary execution of Ken Saro-Wiwa and eight other minority rights activists on the eve of the 1995 Auckland ChOGM motivated Commonwealth members, led by Nelson Mandela, to take the strong action already noted. There was also reaction from the EU (although Britain and the Netherlands opposed proposals for an

assets freeze and and oil embargo) and from the United States (although legislation for sanctions introduced in the US Congress was defeated after heavy lobbying by the business community and the Nigerian government). The Clinton Administration's suggestion in April 1996 of stronger measures, including a ban on new investment in Nigeria and a freeze of leaders' assets (but not an oil embargo) did not win support from European governments.

Since 1996 Canada's commitment to pressure for change in Nigeria has obviously exceeded that of other governments, and particularly fellow-Commonwealth members. The record of the CMAG meetings shows a general disinclination to do more than outline measures which should be taken and to engage in dialogue with the Abacha regime. It has not yet made any firm recommendation for the imposition of the measures listed above. What explains this reluctance?

Neighbouring states are obviously wary of committing themselves to a hostile posture - experience in other sanctions cases indicates that hardship can be severe (and compensation or assistance unforthcoming from wealthier senders). Zambia suffered greatly from imposing sanctions on Rhodesia and in the case of South Africa it was accepted that small neighbours would have to be exempted from any comprehensive set of economic measures. In both the Yugoslav and Iraq cases, there were major complaints to the UN, using the Article 50 procedure, about collateral damage and unfair burdens from neighbouring states and others with close links to the targets. Papers presented at an OSCE Round Table in Copenhagen in June 1996 give a good account of the Sanctions Assistance Missions (SAMS) accepted by states bordering on Serbia -Montenegro to help with enforcement and draw a number of lessons from the experience which may be relevant to other cases. (A summary report was presented to the Security Council and issued as UN Document S/1996/96.) But these missions and the Coordination Centre in Brussels were financed by OSCE and EU members, and the customs officers who served in the SAMs did so with the consent of host states; features which are not necessarily replicable in the African context. In the Iraq case, compensation for Egypt, Jordan and Turkey was organized by the United States outside the United Nations and other affected states received very little help.

Factors which need to be addressed in pressing for further sanctions against Nigeria are therefore the costs and risks for a number of vulnerable states in the region and strategies which would persuade them to come - and stay - 'on board'. Failure to secure their cooperation would leave gaping holes in any trade sanctions regime.

Civil war in Liberia and more recently in Sierra Leone in which Nigeria played a leading role in regional military operations has also weakened regional motivation to engage in

collective measures. West African states probably fear retaliatory intervention as well as economic cost.

There is also the important factor of African solidarity which for years precluded condemnation of Idi Amin's excesses and which is obviously influential in the Commonwealth as in the African caucus at the UN.

In general, European governments are not enthusiastic about economic sanctions. They doubt their political efficacy and are averse to risking loss of reputation as reliable suppliers and markets and as stable financial centres as well as the direct costs which sanctions may bring for their economies, including higher unemployment. In the case of Nigeria it may be a promising development that Britain's Labour government is emphasizing concern for human rights in its foreign policy; on the other hand Britain is Nigeria's main traading partner and foreign investor, and has not shown any readiness to impose oil or other strong sanctions. Having banned Nigerian Airways from London airports it is now seeking to avoid a counter-ban on British Airways in Lagos. (Reported in the Financial Times, 12 May 1998)

Of prime significance in the context of economic sanctions is Nigeria's status as a major oil exporter and its possession of large oil and gas reserves. As such, it has attracted more foreign direct investment than any other African country. Oil exports earn more than $10 billion a year and account for 90 per cent of foreign exchange earnngs and about 80 per cent of government revenues. Regional trade in oil reinforces regional aversion to sanctions, but there are also substantial Nigerian exports to the United States and Europe and heavy involvement of American and European multinationals (particularly Royal Dutch/Shell, Mobil, Elf and Agip) in the Nigerian oil and gas industry. Disruption of oil supplies and of investment projects would be costly and unwelcome and fear of counter-measures, including expropriation of assets could affect sender motivation.

In contrast, Canada's economic links with Nigeria are less consequential and its strong stand on principle is therefore not complicated by high economic risk.

5. IMPACT OF SANCTIONS

This short paper cannot deal with the likely impact of economic sanctions in any detail. Nor has the writer the necesssary expertise to do so. However, some general comments may be useful .

While Commonwealth-wide sanctions could have an important impact in diplomatic, political, cultural and communications spheres, Commonwealth economic sanctions would be less

significant. For maximum effect the sanctioning group would have to include the United States, EU members and Japan.

The terms of reference for this paper suggest a number of measures which would impact on the Nigerian economy and on the regime:

- a financial assets freeze on the government and the military rulers;
- suspension of air links and landing rights;
- a ban on new investments and/or bank loans and services to Nigeria;
- a ban on exports of oil-refining equipment, parts and serices;
- the embargo or voluntary cessation of oil imports from Nigeria.

As noted above, oil is Nigeria's major industry and accounts for approximately 90 per cent of its foreign exchange earnings (making it a comparable case to Iraq). Oil sanctions therefore have obvious appeal in terms of impact but not in terms of costs to senders. To be effective they would need to be backed by the United States, Britain and France, and without a Security Council resolution there would be serious gaps in implementation. However, such a resolution would not only conflict with the economic interests of major oil importers (and multinationals engaged in the industry) but could also have, or be presented as having, unwelcome humanitarian consequences for the Nigerian people as a whole. No doubt the NIgerian regime would then blame the international community for civilian hardship just as Saddam Hussein has done.

It has also been contended that a ban on exports of equipment and spare of parts for the Nigerian oil and gas industry could have a serious environmental impact.

Where trade sanctions are concerned, it is worth remembering that physical enforcement was a key feature of sanctions against both Iraq and Serbia-Montenegro. This is a costly undertaking which can only be undertaken by naval powers. And in spite of naval patrols in the Gulf and in the Adriatic, and reinforcement of border checks in neighbouring states in the case of Serbia-Montenegro, smuggling was rife.

The suspension of air links and landing rights would be hard to enforce aganst Nigeria, given the level of foreign multinational involvement and Nigeria's regional dominance. The experience of Libya where the Security Council imposed these (and other) restrictions in 1992 is not particularly relevant; it was aleady a pariah state and hardly comparable with Nigeria in terms of international connections.

Freezing Nigerian assets, including those of regime members, would require the cooperation of the United States, Britain and

other financial centres. While the US President has authority to act in such matters, in Britain and other countries a Security Council resolution would be needed to impose a general assets freeze. It seems likely that some concealment of assets has already taken place: the Nigerian elite is highly sophisticated and there is documented evidence of Nigerian involvement in international criminal activity, particularly drug-trafficking. Expertise in money laundering could be readily applied to evading financial sanctions. On the other hand, Nigeria does have substantial deposits in British and other foreign banks, and not all these assets could find alternative havens. Moreover, knowledge gained through extensive international cooperation in anti-money laundering operations could be put to good use in enforcement prcedures. Certainly this form of sanction deserves further investigation.

Some further comments may also be relevant in respect of targeted financial sanctions which are now being widely canvassed as preferable to trade sanctions on grounds of efficacy and equity as mentioned in Section 2 above. A seminar in Interlaken in March 1998, hosted by the Swiss government, focussed on this issue and produced consensus that further study needed to be given to this aspect of sanctioning. Both the writer of this paper and Mr. Andras Vamos-Goldman, Consellor at the Permanent Mission of Canada to the UN, participated in the Interlaken seminar from which papers and interim conclusions are available. A final report is pending.

Experts from Treasury and Finance departments and from banks who made presentations at the seminar stressed that speed is essential for assets freezes to be effective. In addition the target(s) must be clearly identified by name (persons, corporations, groups), and governments imposing such measures must have the legal and administrative capacity to control financial transactions - which in many cases they do not. The United States is unique in the range of executive and legislative instruments available for the imposition of sanctions; it also has unrivalled exerience in their administration which could perhaps be generalized.

Preventing capital flight is certainly aa promising avenue to be explored in the Nigerian context although it would be hard to achieve complete success. Rather than trying to identify and freeze existing assets - or as a complementary strategy - banks could give consideration to a ban on handling 'suspicious' incoming transactions, drawing on current anti-money laundering regimes.

Another strategy to be explored would be the possibility of a ban on short-term trade credit which would not require extensive multilateral sponsorship but which could prove extremely inhibiting for Nigeria's foreign trade.

6. PROSPECTS FOR THE FUTURE

Canada has taken the lead in pressing for Commonwealth action, but the 'followers' have dropped behind. In June 1996, pour encourager les autres, Canada unilaterally banned Nigerian participation in sports events in Canada. It also embargoed arms sales and military training programmes and cancelled bilateral aid and export development credits. Visa restrictions already in place on regime members were extended to include their spouses and dependants and diplomatic and cultural links were downgraded. Nigeria closed its Ottawa mission in September 1996 but Canada kept the Lagos Hiigh Commission open until March 1997 when staff was withdrawn. But, as already noted, other Commonwealth members decided to wait - hoping that threats of sanctions would act as an incentive to better behaviour and that dialogue would bring concessions from the Abacha regime.

The failure of these 'incentives' would seem to be obvious and for the Commonwealth to give the apearance of backing off from positions previously taken up would be the worst possible outcome, diminishing its stature as an organization committed to democratic values which is now its chief raison d'etre. Consensus on values is of little consequence unless it leads to consensus for action. This point needs to be stressed, especially as the 1997 Edinburgh CHOGM was widely accused in the media of fudging the issue of Nigeria.

Non-economic measures can be more than symbolic gestures - for instance a universal ban on Nigerian participation in international sporting events would exert strong psychological pressure, as was the case with sports sanctons against South Africa - but they have not yet been tried on a pan-Commonwealth basis (or in other institutional contexts). Meanwhile, the Nigerian regime is playing hardball, making the most of its moves to democracy, and its leading role in ECOWAS, particularly in restoring the legitimate President of Sierra Leone in March 1998. Heavy use is being made of public relations firms and well-financed lobbying activities, especially in Washington. A report in the Washington Post provided details and suggested that the regime had spent more than $10 million on lobbying in the United States between November 1995 and December 1996. (Cited in the Guardian Weekly, 29 December 1996).

The first objective would seem to be the generation of political will to bring threatened Commonwealth sanctions into effect - which would also mean that the association is living up to its declared ideals and standards.

If this does not prove possible - and it may well be that African reluctance will prevail particularly as South Africa is no longer committed to sanctioning the Abacha regime - the outlook for Commonwealth sanctions is obviously bleak. In any

case attention should be given to other sources of pressure, principally the United States and the EU, which could impose economic measures with significant economic impact on the Nigerian regime and encourage it to take political reform seriously. Comments on the likelihood and implications of such measures have already been made in the previous Sections. There is no doubt that singly - and a fortiori collectively - they would impact very severely on the Nigerian economy but they call for a exercise of political will which has not yet been apparent.

For maximum legitimacy and effect a UN Security Council resolution would be needed. If an oil embargo is contemplated, regional exemptions and/or assistance as well as humanitarian consequences would have to be reckoned with. And counter-measures by the regime are a possibility with all types of sanctions. One would have to hope that the military rulers in Nigeria would prove more pliable than the leadership of Iraq or Serbia when faced with serious economic damage.

Factors which can be stressed by Canada in seeking to put new life into the sanctions movement therefore include the importance of the Commonwealth upholding its declared standards, the urgent need to secure the release of political prisoners and the importance of encouraging Nigeria's progress towards democracy and good governance, thereby averting a degenerating economic and political situation fraught with danger for Nigeria itself and for the region. There are obvious difficulties with this reform agenda: Nigeria is a huge fragmented country with ethnic, religious, and regional differences, no tradition of political stability and no coordinated opposition. But failure to take some concerted action would seem to be a worse option.

APPENDIX 1

Terms of Reference to [illegible] drawn on for 'Guidance Paper'

1. Review additional measures [illegible]hat could be imposed on Nigeria to promote greater democracy and [illegible]uman rights, including but not limited to the following:

-financial assets freeze on military rulers/government
-suspension of air links/landing rights
-ban on new investment and/or bank services to Nigeria
-ban on exports of oil-refining equipment, parts and services
-embargo or voluntary cessation of oil imports

2. Analyze realistically for each measure reviewed:

-Canadian legislation for imposing it
-economic or other consequences for Canada
-likely effective impact on the Nigerian regime
-the political prospect of a broader coalition to apply it

3. Provide an assessment of the international action required to increase the effectiveness of these sanctions including:

-the benefits of multilateral action
-the relative probability of the international community adopting such sanctions
-institutional and legal mechanisms available or necessary for international/multilateral action
-the probable effectiveness of international sanctions/action

4. Draw, as appropriate on Canada's previous experience with non-economic measures on Nigeria, but with no need to evaluate the impact of these largely symbolic measures

5. Recommend practical and effective options for action

APPENDIX 2

TYPOLOGY OF NON-VIOLENT SANCTIONS

I. DIPLOMATIC AND POLITICAL MEASURES

a) public protest, censure, condemnation
b) postponement, cancellation of official visits, meetings, negotiations for treaties and agreements
c) reduction, limitation of scale of diplomatic representation affecting status of post, diplomatic personnel, consular offices
d) severance of diplomatic relations
e) witholding recognition of new governments or new states
e) vote against, veto admission to international organization; vote for denial of credentials, suspension or expulsion; removal of headquarters, regional offices of international organizations from target

II. CULTURAL AND COMMUNICATIONS MEASURES*

a) curtailment, cancellation of cultural exchanges, scientific cooperation, educational ties, sports contacts, tourism
b) restriction, withdrawal of visa privileges for target nationals
c) restriction, cancellation of telephone, cable, postal links
d) restriction, suspension, cancellation of landing and overflight privileges; water transit, docking and port privileges; land transit privileges

(* These measures can also have economic effects)

III. ECONOMIC MEASURES

(i) Financial

a) reduction, suspension, cancellation of development assistance, military assistance
b) reduction, suspension, cancellation of credit facilities at concessionary or market rates
c) freeze, confiscation of bank assets of target government, target nationals
d) confiscation, expropriation of other target assets
e) freeze interest, other transfer payments
f) refusal to refinance, reschedule debt repayments (interest, principal)
g) vote against loans, grants, subsidies, funding for technical or other assistance from international organizations

(ii)...

(ii) Commercial and Technical

a) import, export quotas
b) restrictive licensing of imports, exports
c) limited, total embargo on imports, exports (Note: arms embargoes)
d) discriminatory tariff policy, including denial of MFN status, access to General Preferential Tariff
e) restriction, cancellation of fishing rights
f) suspension, cancellation of joint projects
g) suspension, cancellation of trade agreements
h) ban on technology exports
i) 'blacklisting' those doing business with the target
j) curtailment, suspension, cancellation of technical assistance, training programmes
k) ban on insurance and other financial services
l) tax on target's exports to compensate its victims